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CROMPTON SEAGER TUFTE

6123599349

P.05

P A T E N T
UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: STEPHEN C. JACOBSEN et al. Confirmation No.: 9063
Serial No.: 10/073,996 Examiner: Ho, Uyen T
Filed: FEBRUARY 14, 2002 Group Art Unit: 3731
Title: DETACHABLE COIL FOR ANUERYSM THERAPY
Docket No.: 1001.1855103 Customer No.: 28075

APPLICATION FOR PATENT TERM ADJUSTMENT

MAIL STOP: ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office at 703-746-4000 on the date shown below.

Thu H. Le-To

Type or print name of person signing certification

Signature

MAY 17, 2005

Date

Dear Sir:

This Application for Patent Term Adjustment is responsive to the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed March 22, 2005.

Pursuant to 37 C.F.R. §1.705(b)(1), the required fee in the amount of \$200.00 as set forth in §1.18(e) is enclosed. Please charge any deficiencies or credit any overpayment in the enclosed fees to Deposit Account 50-0413.

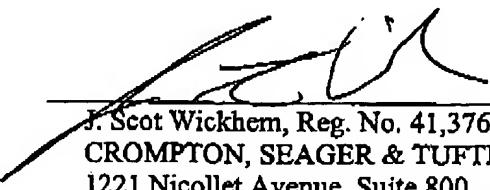
Pursuant to 37 C.F.R. §1.705(b)(2), a Statement of Facts Regarding Patent Term Adjustment Determination is filed concurrent with this Application.

Respectfully submitted,

STEPHEN C. JACOBSEN et al.

By their attorney,

Date: May 17, 2005


J. Scot Wickham, Reg. No. 41,376

CROMPTON, SEAGER & TUFTE, LLC

1221 Nicollet Avenue, Suite 800

Minneapolis, Minnesota 55403-2420

Telephone: (612) 677-9050



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P.06

P A T E N T

UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: 10/073,996 Examiner: Ho, Uyen T
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Title: DETACHABLE COIL FOR ANUERYSM THERAPY
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STATEMENT OF FACTS REGARDING PATENT TERM
ADJUSTMENT DETERMINATION (37 C.F.R. §1.705(b)(2))

MAIL STOP: ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Thu H. Le-To

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Signature

MAY 17, 2005

Date

Dear Sir:

This Statement is submitted in support of the Application for Patent Term Adjustment pursuant to 37 C.F.R. §1.705(b)(2)(i) thru (iv).

(i) The correct patent term adjustment is 146 days. Applicants seek adjustment based on 37 C.F.R. §1.702(a)(1). The USPTO delay listed in PAIR is correctly calculated at 274 days; however the Applicant delay of 210 days is incorrect.

(ii) The relevant dates for which an adjustment is sought are the filing date of an amendment and terminal disclaimer of December 2, 2004, the email request from the Examiner for an additional Terminal Disclaimer of February 18, 2005, and the filing of a second terminal disclaimer of February 22, 2005.

(iii) The patent granted on this application is subject to a terminal disclaimer.

Application No. 10/073,996
Statement of Facts Regarding Patent Term Adjustment Determination dated MAY 17, 2005
Reply to Determination of PTA of March 22, 2005

(iv) Circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination as set forth in §1.704 include the following. Applicants received a notice of informal or non-responsive amendment mailed February 17, 2004, and filed a response on March 25, 2004, resulting in a delay of 37 days. This is correctly listed in PAIR. A response to the Office Action mailed June 2, 2004 was filed on December 2, 2004 with a three-month extension of time, thereby adding 91 days to Applicants' delay. This is correctly listed in PAIR. The response included a terminal disclaimer.

On February 18, 2005, the Examiner contacted Applicants' representative via email and requested another terminal disclaimer. A copy of the email is attached. In response to the Examiner's express request, Applicants filed another terminal disclaimer on February 22, 2005. 37 C.F.R. § 1.704(c)(8) states that submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, will reduce the period for adjustment under § 1.703. The filing of the second terminal disclaimer was expressly requested by the examiner and thus does not constitute an Applicants' delay. The 82 day Applicants' delay listed PAIR for the terminal disclaimer filed February 22, 2005 is thus incorrect.

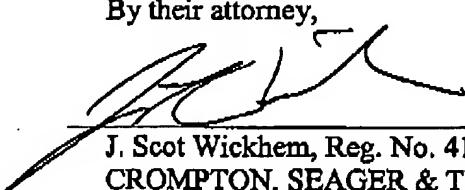
Applicants respectfully request the Patent Term Adjustment be recalculated at 146 days, reflecting the PTO delay of 274 days minus Applicant delays of 37 and 91 days.

If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
STEPHEN C. JACOBSEN et al.

By their attorney,

Date: May 17, 2005



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P.08

From: "Ho, Jackie" <Jackie.Ho@USPTO.GOV>
"Scot Wickhem" <Scot.Wickhem@cstlaw.com>
Date: Fri, Feb 18, 2005 9:52 AM
Subject: RE: 10073996

I need an other Terminal Disclaimer ... Patent number 6,063,101

Claim 72-75 and 90 are generic of species claimed in patent number 6,063,101

JH

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-----Original Message-----

From: Scot Wickhem [mailto:Scot.Wickhem@cstlaw.com]
Sent: Thursday, February 17, 2005 6:12 PM
To: Ho, Jackie
Subject: Re: 10073996

Examiner Ho:

The proposed amendments look good. Please proceed.

Thanks

Scot Wickhem

>>> "Ho, Jackie" <Jackie.Ho@USPTO.GOV> 02/17/05 5:06 PM >>>
Mr. Wickhem,

the claim 72 and 73 are amended as follow:

Claim 72:

line 3, before "end section" insert --distal--
line 6, after "therefrom" insert --, and a vibrational energy source
connected to the elongate wire for causing mechanical vibrations to
rupture the discontinuity--

Claim 73:

line 3, before "end section" insert --distal--
line 8, after "end section" insert --, and a vibrational energy source
connected to the elongate wire for causing mechanical vibrations to
rupture the discontinuity--

Let me know if that's oK

JH